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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,465	02/06/2002	Carl R. Strathmeyer	042390p8943X4	1829

26529 7590 08/05/2005

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EXAMINER

LY, ANH VU H

ART UNIT PAPER NUMBER

2667

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/072,465

**Applicant(s)**

STRATHMEYER ET AL.

**Examiner**

Anh-Vu H. Ly

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-15 and 24-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-15 and 24-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This communication is in response to applicant's amendment filed May 23, 2005.

Claims 7-15 and 24-34 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-15 and 24-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Neyman (US Pub 2004/0179516 A1).

With respect to claims 7, 24, 26, and 27, Neyman discloses on page 4, 39<sup>th</sup> paragraph and Fig. 1, that IDRPs 35 is (application computer) connected to IP node 25 (gatekeeper) via data link 34 (packet data network), while IP node 23 is connected to an IDRPs 33 via a data link 24. IDRPs 33 and 35 are each running an instance of a CTI application suite known as T servers. An IDRPs is adapted to exert control over the functions of IP node 23 over the connecting data link. IDRPs monitors all activity of the IP node (arriving data packets, IP addresses, header information, etc...) and is also adapted to exert control functions over operations of the connected IP router (transmitting over a packet data network information pertaining to an

incoming call indicative of telephony monitoring and control functions from an application computer to a gatekeeper). Neyman discloses in Fig. 1, the IDRP's 33 and 35 are distantly located from the call originators and call receivers 27 (the application computer being located separately from any of at least two nodes of the packet data network). Neyman discloses on page 6, 52<sup>nd</sup> paragraph, that incoming calls from either network, e.g., calls 21 and calls 27 are first processed at IVR 47. Depending on information obtained through interaction, it is determined how the calls will be routed. Such determinations are made by connected IDRP's according to enterprise rules (routing the incoming call through the gatekeeper to connected to a selected endpoint of the packet data network according to established rules and causing the packetized telephone communications session between at least two nodes of the packet data network to occur). Neyman discloses on page 5, 45<sup>th</sup> paragraph, that information such as caller ID, call destination, purpose of call, priority of call, and so on, obtained through IVR 47 is communicated to respective nodes/switches and can be interpreted via IDRP control (information the application computer of an identity of the incoming caller). Neyman discloses in Fig. 1, that workstation 71 is adapted to include PC/VDU's 79 for displaying information regarding the callers (providing to a user information relating to the incoming caller).

With respect to claims 8-9 and 25, Neyman discloses on page 5, 47<sup>th</sup> paragraph, CIS 69 is connected to LAN 75 and is therefore accessible to agents at workstations 73 and 71. CIS 69 contains stored information regarding callers such as addresses, credit history, product preferences, purchase history, and so on (determining the subject matter of the incoming call and

obtaining information relating to the subject matter and displaying information relating to the caller and to the subject matter).

With respect to claims 10-11, Neyman discloses on page 5, 45<sup>th</sup> paragraph, different methods used to identify the callers such as voice response, touch tone, typed text, interactive options, etc...(utilizing indicia and/or caller's telephone number from the incoming call to identify the caller).

With respect to claims 12-13, 15, and 30, Neyman discloses in Fig. 1, that workstation 71 is adapted to include PC/VDU's 79 for displaying information regarding the callers (displaying information on a monitor that is accessible to a user).

With respect to claim 14, Neyman discloses in Fig. 1, customer information system repository 69 for storing information regarding callers. Herein, the CIS 69 must include a call identifier column and a column for storing information regarding the call identifier (assigning an identifier for the incoming call and caching the incoming call in combination with the obtained information and call identifier for later retrieval).

With respect to claim 28, Neyman discloses in Fig. 1, that IP nodes 23 and 25 receive, process, and forward data packets (gatekeeper establishes the telephone calls between at least two endpoints in the data network).

With respect to claims 29 and 34, Neyman discloses on page 5, 45<sup>th</sup> paragraph, that information such as caller ID, call destination, purpose of call, priority of call, and so on, obtained through IVR 47 is communicated to respective nodes/switches and can be interpreted via IDRPs control (application computer is arranged to extract additional information from the caller and to present this information to the user).

With respect to claim 31, Neyman discloses on page 5, 45<sup>th</sup> paragraph, that IVR 47 is dedicated for the purpose of interaction with callers through known methods such as via voice response, touch tone, or the like (communicate with the caller and the user via voice recognition and voice synthesis techniques).

With respect to claim 32, Neyman discloses in Fig. 1, workstation 71 is adapted to receive and display incoming calls (wherein the user is a called party).

With respect to claim 33, Neyman discloses on page 4, 39<sup>th</sup> paragraph and Fig. 1, that IDRPs 35 is (application computer) connected to IP node 25 (gatekeeper) via data link 34 (packet data network), while IP node 23 is connected to an IDRPs 33 via a data link 24. IDRPs 33 and 35 are each running an instance of a CTI application suite known as T servers. An IDRPs is adapted to exert control over the functions of IP node 23 over the connecting data link (application computer is configured to instruct a gatekeeper to initiate a call, and to await a message from the gatekeeper to complete the call). IDRPs monitors all activity of the IP node (arriving data

packets, IP addresses, header information, etc...) and is also adapted to exert control functions over operations of the connected IP router.

### ***Response to Arguments***

3. Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive.

Applicant argues in page 7 that Neyman fails to disclose a gatekeeper as recited in claims 7, 24, and 26. Examiner respectfully disagrees. Neyman discloses on page 4, 39<sup>th</sup> paragraph and Fig. 1, that IDRPs 35 and 33 are (application computers) connected to IP node 25 (gatekeeper) via data link 34 (packet data network), while IP node 23 is connected to IDRPs 35 and 33 via a data link 24.

Applicant further argues in pages 7-8 that according to the specification, a gatekeeper as defined in H.323 protocol typically performs a set of intelligent network functions. And since the IP node 25 typically receives and forwards data packets, therefore, it is not a gatekeeper. Examiner respectfully disagrees. First of all, applicant's arguments are not directed to the claimed invention. Secondly, applicant should not consider that the IP node is not a gateway since it fails to perform a set of intelligent network functions. As known in the art that a set of intelligent network functions are functions that may and may not be implemented at all by the gateway as a function of cost, speed, power, size, etc... Therefore, a gateway that performs limited functions is still a gateway.

Applicant further argues in pages 8 and 9 that IDRPs 35 and 33 are not application computers since they fail to perform various external telephony applications, e.g., screen pop, caller id, etc... as described in the specification in page 5, lines 11-16. Examiner again respectfully disagrees.

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First of all, applicant's arguments are not directed to the claimed invention. Secondly, such various external telephony applications are not recited in the claims. And at last, applicant should not consider that a computer that fails to perform various functions is not a computer.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

  
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